

REMARKS

Summary of the Office Action

Claims 1-6 and 8-11 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,040,068 to Parulski et al. (hereinafter "Parulski").

Summary of the Response to the Office Action

Applicant has amended claims 1, 2, 6 and 8 to more clearly define the invention. Accordingly, claims 1-6 and 8-11 are pending for further consideration.

The Rejections under 35 U.S.C. §102(b)

Claims 1-6 and 8-11 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Parulski. To the extent that the Examiner may consider the rejections to apply to the newly amended claims, the rejections are traversed as being based upon references that neither teach nor suggest the novel combination of features now clearly recited in newly amended claims 1 and 6, and hence newly-amended dependent claims 2 and 8, and dependent claims 3-5 and 9-11.

Newly-amended independent claims 1 and 6, and hence newly-amended dependent claims 2 and 8, and dependent claims 3-5 and 9-11, recite a combination of elements including at least a recited feature of "the predetermined image processing conditions ... are set to reproduce uniform images with respect to at least one of gradation and color regardless of the kinds of digital cameras." Applicant respectfully submits that Parulski does not teach or suggest such a feature.

The Final Office Action on the page 3 argues that “the term ‘uniform,’ interpreted broadly, could be images with ... the same timing signals.” Then, the Final Office Action goes on to indicate on the page 4 that discloses that “in producing digital images, regardless of the imager attached, Parulski reproduces ‘uniform’ images.” (see lines 45-61 of column 4 and lines 47-50 of column 5 of Parulski). Applicant respectfully disagrees.

In contrast to Applicant’s claimed invention, Applicant respectfully submits that the cited portion of Parulski merely discloses a control processor 40 controls the generation of horizontal and vertical clock signals, via timing generator 38 and these clock signals are set to reproduce different images according to the kinds of image pickup units, and not set to “reproduce uniform images with respect to at least one of gradation and color regardless of the kinds of digital cameras,” as recited by newly-amended independent claims 1 and 6.

In addition, Applicant respectfully submits that Applicant’s claimed invention discloses the condition information which represents the image processing conditions that include predetermined values for each of different kinds of digital cameras, as claimed in newly-amended claims 1 and 6, whereas the applied prior art works with the acquired image without information relating to the kind of digital camera (see Abstract of Parulski). Thus, similar to that described in the background of the invention, optimization is very cumbersome in a manner.

Accordingly, for at least these reasons, Applicant respectfully asserts that the rejections under 35 U.S.C. §102(b) should be withdrawn because the applied reference does not teach or suggest each and every feature of independent claims 1 and 6. As pointed out in MPEP § 2131, “[t]o anticipate a claim, the reference must teach every element of the claim.” Thus, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or

inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)." Furthermore, Applicant respectfully asserts that the rejections of claims 2 and 8, as newly-amended, and claims 3-5 and 9-11 should also be withdrawn at least because of their dependencies from respective independent claims 1 and 6 and for the reasons set forth above.

With no other rejection pending, Applicant respectfully asserts that claims 1-6 and 8-11 are in condition for allowance.


CONCLUSION

In view of the foregoing, Applicant respectfully requests entry of the amendments to place the application in clear condition for allowance or, in the alternative, in better form for appeal. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully Submitted,

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